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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,424

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EXAMINER

SAINT CYR, JEAN D

ART UNIT

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2425

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,424	<b>Applicant(s)</b> MIYABAYASHI ET AL.	
	<b>Examiner</b> JEAN D. SAINT CYR	<b>Art Unit</b> 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

This action is in response to applicant's amendment filed on 01/27/2009. Claims 1-20 are still pending in the current application. Claims 21-22 are added. **This action is made FINAL.**

### **Response to Arguments**

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matz et al in view of Soundararajan et al, US No. 20030084448.

Re claim 1, Matz et al disclose a-sending out means for sending out a view-controller for controlling viewing(see fig.3, element 312)of contents from a sending-out side of the contents to a viewing side based upon said log of said viewer(The receive module 312 sends the tagged data to an analysis module 314, which analyzes the received tagged data, 0047); and

a view controlling means for controlling viewing of the contents based upon said view-controller and said recorded log (see fig.3, analysis module; the analysis module

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314 determines which, if any, of the tagged data is to be blocked from presentation to the user, 0047).

But did not explicitly disclose a view control system, comprising: a-log recording means for recording a log of a viewer.

However, Soundararajan et al disclose a view control system, comprising: a-log recording means for recording a log of a viewer(see fig.2, element 237, timer; Timer 237 measures how time is spent viewing each channel so that a viewing-history log may be annotated. For convenience, viewing time is herein considered the period between selection of one channel ,the "viewed" one, and the subsequent selection of another,0030 ; a database is provided to store information collected by a monitoring program so that a viewing history may be compiled. The viewing history contains, for example, a list of channels were watched by the viewer and for how long, what programs or types of programs were being watched,0007).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Matz with the invention of Soundararajan for the purpose of monitoring the viewing history of the user.

Re claim 2, Matz et al disclose wherein the view-controller has controlling conditions and controlling details and said controlling conditions and controlling details are being applied until a start time point of viewing the contents(Upon receipt of data stream 110 and its associated tag 112, the desktop computer client 104 evaluates the tag 112 and the user profile 118 to determine if the data stream 110 is to be blocked. In one embodiment, if the tag 112 is listed in the user profile 118, the associated data stream 110 is blocked from presentation to the user of the desktop computer client device 104, 0034).

Re claim 3,wherein the view-controller has viewing conditions and said viewing

conditions are applied after viewing the contents(The tags allow the client device 304 to block content that is determined to be objectionable to the user, i.e., predetermined content,0044; that means those content will be blocked to the users at any time).

Re claim 4, Matz et al disclose wherein the view-controller has controlling conditions and controlling details and said controlling conditions and controlling details are applied while a program of the contents is viewed(if "nudity", is identified in the user profile 322 as a subcategory of content that is unwanted, any portions of a movie having nudity will be selectively blocked by the blocking module 404, 0061).

Re claim 5, Matz et al disclose wherein: the view-controller is operable to both permit or restrain the viewing of the contents in a case where a predetermined condition was satisfied at least one time before viewing the contents(a client device for blocking content prior to presentation to a user having a user profile with profile tags associated with unwanted content. The user profile may be created based on a viewing history,0013; ; and

the view controlling means is configured to detect a log satisfying said predetermined condition from among recorded logs based upon said view-controller and to permit the viewing of the contents in a case where the log satisfying said predetermined condition has been detected(if any, tagged data from the receive module 312 is identified in the user profile 322. In an embodiment, tagged data that is identified in the user profile 322 is not transmitted to the user input/output module 318. In such case, only content that is not listed in the user profile 322 may be presented to the user,0053; see fig.12, present desired content).

Re claim 6, Matz et al disclose wherein: the view-controller is operable to both permit or restrain the viewing of the contents in a case where a predetermined condition is satisfied when the contents are viewed(only content that is not listed in the user profile 322 may be presented to the user,0053); and

the view controlling means is configured to detect log satisfying said predetermined condition from among recorded logs based upon said view-controller and to permit or restrain the viewing of the contents in a case where the log satisfying said predetermined condition has been detected(Upon receipt of data stream 110 and its associated tag 112, the desktop computer client 104 evaluates the tag 112 and the user profile 118 to determine if the data stream 110 is to be blocked. In one embodiment, if the tag 112 is listed in the user profile 118, the associated data stream 110 is blocked from presentation to the user of the desktop computer client device 104, 0034).

Re claim 7, Matz et al did not explicitly disclose wherein: the view-controller is operable to allow a log of a predetermined permission or restraint to be recorded after viewing the contents; and the view controlling means is configured to record said log of said predetermined permission or restraint based upon said view-controller after viewing the contents.

However, Soundararajan et al disclose timer 237 measures how time is spent viewing each channel so that a viewing-history log may be annotated. For convenience, viewing time is herein considered the period between selection of one channel ,the "viewed" one, and the subsequent selection of another,0030 ; a database is provided to store information collected by a monitoring program so that a viewing history may be compiled. The viewing history contains, for example, a list of channels were watched by the viewer and for how long, what programs or types of programs were being watched,0007; see fig.2, element 237, timer.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Matz with the invention of Soundararajan for the purpose of monitoring the viewing history of the user

Re claim 8, Matz et al disclose wherein the view-controller is operable to both give

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permission or restraint of a predetermined matter while the contents are viewed(the blocking module 404 is operable to partially and/or completely block content items. Partial blocking occurs, for example, when a movie is being presented to the user, and the blocking module 404 identifies a portion of the movie that is in a category identified in the user profile); and

the view controlling means is configured to give permission or restraint of a predetermined matter based upon said view-controller while the contents are viewed(if "nudity", is identified in the user profile 322 as a subcategory of content that is unwanted, any portions of a movie having nudity will be selectively blocked by the blocking module 404, 0061; that means that portion of nudity will be blocked during the viewing period.

Re claim 9, Matz et al wherein the view-controller is to replace a condition set at a time of an initial setting with -a replacement condition(substitute for the blocked content based on preference data,0011); and

the view controlling means is configured to detect a log satisfying the replacement condition, which replaces the condition set at the time of an initial setting, based upon said view-controller and to permit the viewing of the contents in a case where the log satisfying the replacement condition has been detected(if a content item is determined to be inappropriate in the evaluate operation 826, the block operation 828 causes a default content item to be presented,0091; presents alternative content other than the blocked content,0105) .

Re claim 10, is met as previously discussed with respect to claim 1.

Re claim 11, Matz et al disclose sending out a view-controller(see fig.3, element 312) for controlling viewing of contents from a sending-out side of the contents to a

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receiver based upon said log of said viewer(The receive module 312 sends the tagged data to an analysis module 314, which analyzes the received tagged data, 0047); and

controlling the viewing of the contents based upon said view-controller and said recorded log in the receiver side(see fig.3, analysis module; the analysis module 314 determines which, if any, of the tagged data is to be blocked from presentation to the user, 0047).

But did not explicitly disclose recording a log of a viewer in a receiver side.

However, Soundararajan et al disclose timer 237 measures how time is spent viewing each channel so that a viewing-history log may be annotated. For convenience, viewing time is herein considered the period between selection of one channel ,the "viewed" one, and the subsequent selection of another,0030 ; a database is provided to store information collected by a monitoring program so that a viewing history may be compiled. The viewing history contains, for example, a list of channels were watched by the viewer and for how long, what programs or types of programs were being watched,0007; see fig.2, element 237, timer.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Matz with the invention of Soundararajan for the purpose of monitoring the viewing history of the user

Re claim 12, is met as previously discussed with respect to claim 2.

Re claim 13, is met as previously discussed with respect to claim 3.

Re claim 14, is met as previously discussed with respect to claim 4.

Re claim 15, is met as previously discussed with respect to claim 5.



Re claim 16, is met as previously discussed with respect to claim 6.

Re claim 17, is met as previously discussed with respect to claim 7.

Re claim 18, is met as previously discussed with respect to claim 8.

Re claim 19, is met as previously discussed with respect to claim 9.

Re claim 20, is met as previously discussed with respect to claim 10.

Re claim 21, Matz et al did not explicitly disclose wherein: the log of the viewer comprises a listing of viewed content identified individually by title and a corresponding start time and finish time of when each content was viewed by the viewer.

However, However, Soundararajan et al disclose timer 237 measures how time is spent viewing each channel so that a viewing-history log may be annotated. For convenience, viewing time is herein considered the period between selection of one channel, the "viewed" one, and the subsequent selection of another, 0030; a database is provided to store information collected by a monitoring program so that a viewing history may be compiled. The viewing history contains, for example, a list of channels were watched by the viewer and for how long, what programs or types of programs were being watched, 0007; see fig.2, element 237, timer.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Matz with the invention of Soundararajan for the purpose of monitoring the viewing history of the user.

Re claim 22, Matz et al did not explicitly disclose wherein: the log of the viewer comprises a listing of programs and corresponding start times and finish times of when

each program was viewed by the viewer, and a listing of commercials and corresponding start times and finish times of when each commercial was viewed by the viewer.

However, Soundararajan et al disclose wherein: the log of the viewer comprises a listing of programs and corresponding start times and finish times of when each program was viewed by the viewer, and a listing of commercials and corresponding start times and finish times of when each commercial was viewed by the viewer(a list of channels were watched by the viewer and for how long, what programs or types of programs were being watched,0007; see fig.2, element 237, timer).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Matz with the invention of Soundararajan for the purpose of monitoring all interactions of users in the system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcy whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the

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automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr /

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425